

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 18, 2007. Claims 1 to 21 are pending in the application, of which Claims 1, 11 and 12 are independent. Reconsideration and further examination are respectfully requested.

The drawings were objected to for various informalities. Specifically, the drawings were objected to for allegedly (1) including reference numbers not mentioned in the description, (2) failing to include reference numbers mentioned in the description, (3) containing a typographical error, and (4) failing to show every feature of the invention specified in the claims. Applicants will submit corrected drawings under separate letter.

The specification was objected to for various informalities. Applicants submit that the foregoing amendments to the specification address the Examiner's concerns. Accordingly, Applicants respectfully request reconsideration and withdrawal of these objections.

Claims 6, 7, 17, 18 and 22 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly omitting essential steps from Claim 6. Applicants respectfully traverse the rejection on the grounds that Claims 6, 17 and 22 define an additional transmission mode of the present invention. The additional transmission mode supplements the first transmission mode as defined in the independent claims of reading out and transmitting to the image-forming device a portion of the print data re-spoiled as the second spool file in the case that re-spooling in said spooling step is stalled. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1 to 10 and 22 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Examiner alleges that these claims are directed to software *per se*. Without conceding the correctness of the rejection, Applicants have

amended the claims to clarify that they are directed to a computer-readable storage medium.

Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

Claims 1 to 3 and 11 to 14 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 to 3, 7 and 13 to 15 of co-pending U.S. Application No. 10/775,090 (Canon Ref.: CFO 17893 US). Without conceding the correctness of the rejection, Applicants submit that the rejection is premature as neither application has been indicated as having allowable subject matter. Accordingly, Applicants respectfully request withdrawal of this rejection and reconsideration when one or the other applications has received an indication of allowable subject matter.

Claims 1 to 3, 8 to 14 and 19 to 21 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,115,132 (Nakatsuma). Claims 4, 5, 15 and 16 were rejected under 35 U.S.C. § 103(a) over Nakatsuma in view of U.S. Patent No. 6,594,033 (Kujirai). Reconsideration and withdrawal of these rejections is respectfully requested.

Claim 1 is directed to a computer-executable print control program stored on a computer-readable medium and executed by an information processing apparatus that transmits print data to an image-forming device which records an image. The program comprises code for causing said information processing apparatus to execute a spooling step of further re-spooling, as a second spool file, print data spooled by an operating system as a first spool file; and code for causing said information processing apparatus to execute a transmission step of reading out and transmitting to the image-forming device a portion of the print data re-spoiled as the second spool file in the case that re-spooling in said spooling step is stalled.

Amended independent Claims 11 and 12 are directed to a computer-readable recording medium and an apparatus, respectively, substantially in accordance with the computer-executable print control program stored on a computer-readable medium of Claim 1.

Applicants respectfully submit that the applied reference, namely Nakatsuma, is not seen to disclose or to suggest the features of independent Claims 1, 11 and 12. In particular, Nakatsuma is not seen to disclose or to suggest at least the features of reading out and transmitting to the image-forming device a portion of the print data re-spooled as the second spool file in the case that re-spooling in said spooling step is stalled.

In contrast, Nakatsuma discloses that print data is transmitted to network printer 701 after virtual print spooler 801 completes spooling the print data. However, Nakatsuma does not disclose or suggest what process should be implemented in the case where the spooling by virtual print spooler has stalled. In Nakatsuma, the spooling is completed at the time when the print data is transmitted to network printer 701 (this means complete spooling to request schedule to receiving a notice of printable to start transmitting print data). Therefore, Nakatsuma fails to disclose or suggest transmitting to the image-forming device a portion of print data re-spooled as a second spool file in the case that re-spooling in a spooling step is stalled as featured in Claim 1 of the present application.

In addition, Applicants have reviewed Kujirai and submit that nothing in Kujirai supplies that which is missing from Nakatsuma. Specifically, Kujirai discloses transmitting a spool file in 10 kilobyte-sized units to a printer. However, the transmitting processing of Kujirai is started after spooling and is not started in the case where a first spooling operation is stalled.

In light of the deficiencies of Nakatsuma and Kujirai as discussed above, Applicants submit that amended independent Claims 1, 11 and 12 are now in condition for allowance and respectfully request same.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each dependent claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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